IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1871 (SS) OF 2003

1. Rajendra Singh Mehra,
   S/o Kundan Singh Mehra,
   Presently posted as Para Vet (Pashu Rakshak),
   In Gram Panchayat Adhora,
   Block_Bhimtal, District Nainital.
2. Trilok Singh Negi,
   S/o late Harak Singh Negi,
   Presently posted as Para Vet (Pashu Rakshak),
   Ratigaht, Block Betalghat,
   District – Nainital. .....Petitioners.

Versus

1. State of Uttaranchal, through Secretary Animal Husbandry Department, Govt. of Uttaranchal, Dehradun.
2. Director of Animal Husbandry, Uttaranchal, Dehradun.
3. Chief Veterinary Officer, Nainital.

.....Respondents.

Sri K.N. Joshi, Advocate for the petitioners.
Learned Standing Counsel for the State.

Dated: o3.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of mandamus directing the respondents to regularize the services of the petitioners on the post on which they are working or on any post which are lying vacant in the department. Further prayer has been made for a writ of mandamus directing the respondents to pay minimum salary to

the petitioners on the post on which they are working and to pay entire arrears of salary to the petitioner from January, 2001.

2. Brief facts giving rise to the present writ petition are that the petitioners were selected for the post of Para Vet in the year of 1998 and they had undergone training of Sahakari Dairy Training and Research Institute Meerut.

3. After the aforesaid training, the petitioners were appointed in District Nainital on the consolidated salary of Rs. 1000/- per month.

4. The petitioners have submitted that they are continuously working in the department and from time to time they have undergone training in the department in Para Veterinary Refresher Course.

5. On 7th August, 2001, the Veterinary Officer Nainital directed the petitioner no. 1 to take charge of Para Vet at Khurpatal.

6. In a training programme sponsored by the Pashupalan Ghatak D.A.S.P. Dehradun, Uttaranchal started from 10th November, to 15th November, 2003 at College of Veterinary and Animal Sciences, Pantnagar, both the petitioners undergone training and completed their training.

7. Learned counsel for the petitioners has submitted that the petitioners are working in the department sincerely and there is not even a single complain against them.

8. The petitioners have submitted that they are not getting their salary since January, 2001 and in this respect they have preferred a representation on 07.11.2003 before the respondent no.1, but the same has neither been decided, nor the services of the petitioners have been regularized.

9. Learned counsel for the petitioners has submitted that the Animal Husbandry Department Uttaranchal, District Nainital

has published a Book known as ***"Pashudhan Vikas Mein Ek Prayas",*** wherein it has been mentioned on page 3 that there are 18 Para Vet working in District Nainital, 27 posts of Live Stock Extension Officer and two Dresser posts are lying vacant in District Nainital and petitioners are also working on the post of Live Stock Extension Officer and Dresser.

10. According to the petitioners, they have submitted a representation on 12.12.2003 to the respondent no. 1 requesting to regularize their services and to pay their month to month salary.

11. The petitioners have submitted that they are working regularly since 1999 and they have obtained certificates of training from the department and their work and performances have been found satisfactory by their superiors.

12. A counter affidavit has been filed by the State, where in paragraph 3, it has been submitted as under:-

"3. That in reply to the contents of para no. 1 of the writ petition it is stated that under "Uttar Pradesh Krishi Vivikikaran Pariyogna' a project was started to provide assistance to the farmers at their door steps by 'para vets' and for this unemployed educated person were to be deployed with the intension of providing self employment to these educated unemployed persons. Fort this purpose direction, vide letter no. 1182-1265/UPDASP/2001 dated 7.4.2001, was issued by the Director, Animal Husbandry U.P., Lucknow, regarding the selection, training and providing of necessary equipments after the completion of the training.

It is further stated here that in the year 1998 the para vets were selected according to the norms as laid in the aforesaid letter and were given training and after the completion of the training these para-vets wree attached to veterinary Hospitals and to encourage them a stipend @ Rs.

1,000 per month in the first year and @ Rs. 500 per month for the second year was given to these para vets no stipend was to be given to these para-vets hence forth. This scheme was sponsored by the World Bank and only for a period of five years which is to be completed on 31 March, 2004. It is also stated here that there is no Government Order or Rules to absorb the para vets, deployed under the said scheme, to the department."

A supplementary counter affidavit has also been filed in the case. Relevant paragraphs 5 and 11 are quoted below:-

"5. That the contents of para no. 4 of the rejoinder affidavit as stated are misconceived and totally false hence, no admitted. In fact, under World Bank Scheme, a project was started under Pradesh Krishi Vividikaran Pariyogna' to provide assistance to the farmers at their door steps by 'para vets' and for this unemployed educated persons were to be deployed with the intention of providing self employment to these educated unemployed persons. For this purpose direction was issued by the Director, Animal Husbandry U.P. Lucknow, regarding the selection, training and providing of necessary equipments after the completion of the training.

It is further stated here that in the year 1998 the para vets were selected according to the norms as laid down by the government and were given training and after the completion of the training these para vets were attached to various Veterinary Hospitals and according to the directions issued by U.P. Diversified Agriculture Support Project (U.P. DASP) as approved by the World Bank, the para vets were given establishment grant/substantive allowance @ Rs. 1,000 per month in the first year and @ Rs. 500 per month for the second year to encourage them and no establishment grant/substantive allowance was to be given to these para-

vets hence forth. For the kind perusal of this Hon'ble Court a copy of the letter/ direction dated 10/11-1-2000 is being annexed herewith and marked as Annexure S.C.A.1 to this supplementary counter affidavit. Para 10 of the said annexure clearly states that the para vets would be provided with Rs. 1000/- per months as establishment grant / substantive allowance for first year and Rs. 500/- per month during the second year subject to the minimum/optimum performances mentioned by AIID (VO/LEO)/NGO. The scheme was sponsored by the World Bank only for a period of five years, which completed on 31 March, 2004. It is also stated her that there is no Government Order or Rules to absorb the para vets, deployed under the said scheme, to the department.

It is further mentioned here that the claim of the petitioners that they are working on the post of Live Stock Extension Officer and Dresser is absolutely incorrect. The petitioners were never appointed in the department. They were attached with the department as para-vets under the scheme mentioned above which no longer exist.

11. That in reply to the contents of para no. 11 of the rejoinder affidavit it is stated here that the petitioners were selected and after due training they were attached to the department and were paid establishment grant/substantive allowance as per the scheme of the World Bank under which they were selected. It is further stated here that the balance payment of Rs. 500 each as establishment grant / substantive allowance for the month of December, 2000 has been paid by crossed cheque dated 30.04.2004. For the kind perusal of this Hon'ble Court copy of the Cheque along with the covering letter dated 1.5.2004 is being annexed herewith and marked as Annexure S.C.A. 2 to this supplementary counter affidavit."

The petitioners have alleged that the posts are still lying vacant.

13. In view of the above, the respondents are directed to consider the claim of the petitioner for the post of Live Stock Extension Officer in accordance with the rules within a period of four months from the date of presentation of the certified copy of the order.

14. Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

03.03.2006
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